THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 4th November 1952.

The House met in the Assembly Chamber, Government Estate, Mount Road, Madras, at half past ten of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. SPEAKER :—" The Hon. the Minister for Education is not keeping good health. So, questions on to-day's agenda relating to his Department, viz., questions[a] Nos. 21 and 47, will be taken up to-morrow."

Ventilation of grievances of Government officers through Legislators.

* 26 Q.—SRI K. KRISHNA RAO : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether there is a rule that Government servants or their relatives or friends should not approach members of the Legislative Assembly or Council to have their grievances redressed through the Legislature ; and

(*b*) whether instructions have been issued to heads of departments that they should victimise people who try to get their grievances redressed by approaching—

(1) Members of the Legislature who belong to the Ministerialist group ; and

(2) Members of the Legislature who belong to the Opposition ?

THE HON. SRI C. RAJAGOPALACHARI :—" (*a*) According to rule 24 of the Government Servants' Conduct Rules, which are as old as the Government of India Act of 1935, Government servants should not bring or attempt to bring any political or other outside influence to bear upon any superior authority for the furtherance of their interests.

" (*b*) It is a fact that Government will view with serious displeasure any attempt on the part of a Government servant to influence his or her superior authorities in any manner. Any grievance which the Government servant wishes to be removed must be brought to the notice of the superior authority concerned in the prescribed manner wherein there is ample provision for obtaining justice. To permit officials to approach members of the Legislature would result in unequal opportunities and unfairness besides general demoralization in the services. Any attempt to obtain such influence is therefore considered wrong. The superior authority is

[a] Answered on 6th November 1952.

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authorized in such cases to issue notice and after following the prescribed procedure, order the withholding of promotion unless the Government servant proves his innocence."

Sri K. KRISHNA RAO:—"1935 వ సం॥ నాటి ఇండియా ప్రభుత్వం చట్టం రద్దయినదని, ఇప్పుడు నూతన రాజ్యాంగ చట్టం తయారుచేయబడినదని, దానిలోని fundamental rights ఇవ్వబడినాయని గవర్నమెంటువారికి తెలుసునా?"

The Hon. Sri C. RAJAGOPALACHARI:—"I would like to have notice, Sir."

Sri PILLALAMARRI VENKATESWARLU:—"1935 వ సం॥ నాటి చట్టం రద్దయింది కనుక దాని ప్రకారం తయారుచేయబడ్డ conduct rules ను రద్దుచేసి నూతన రాజ్యాంగ చట్టం ప్రకారం కొత్త service rules తయారుచేయుటకు ప్రభుత్వంవారు ఆలోచిస్తున్నారా?"

The Hon. Sri C. RAJAGOPALACHARI:—"The existing rules are quite good."

Sri T. NAGI REDDI:—"నూతన రాజ్యాంగ చట్టం తయారుచేయబడింది. దాని ప్రకారం కొన్ని వ్యక్తి సత్వాలు కలుగజేయబడ్డాయి. వాటి ప్రకారం ప్రభుత్వోద్యోగులు వారికి కలుగు ఇబ్బందులను ప్రజాప్రతినిధులకు తెలుపుకొనుట నిషేధించుటవల్ల ప్రభుత్వంవారు రాజ్యాంగ విధులను నిరాకరించినవారు కాదా?"

The Hon. Sri C. RAJAGOPALACHARI:—"The influence of Members of the Legislature was much less in the old days than now. At the present moment, the rules are more necessary."

Sri V. GOPALA GOUNDER:—"Is the Government of India Act, 1935, still in force?"

The Hon. Sri C. RAJAGOPALACHARI:—"The Government of India Act is not in force now, but the rules of that time are in force."

Sri C. V. K. **RAO**:—"ఈ అసెంబ్లీని రాజగోపాలాచారిగారు ఒక షో రూమ్‌గా చేయదలచారా లేక నిజమైన ప్రజాస్వామిక సంస్థగా నిర్వహించ దలచారా?"

The Hon. Sri C. RAJAGOPALACHARI:—"I am sorry, Sir, I have to ask for notice."

Sri D. SEETHARAMIAH:—"ప్రభుత్వంవారు తమ క్రింది ఉద్యోగులు పెట్టుకొనే అర్జీలను దర్యాప్తు చేస్తారని న్యాయా న్యాయాలను విచారిస్తారని మంత్రిగారు చెప్పారు. కాని ఇది వాస్తవ పరిస్థితులకు భిన్నంగా ఉన్నది. మా జిల్లాలో కె. నరసింహం అనే ఆడిట్ గుమాస్తా ఎన్ని పర్యాయములు తన డిస్మిస్‌ను గురించి అర్జీలు పెట్టుకొన్నప్పటికీ అవి బుట్టదాఖలు చేయబడ్డాయి. అటువంటి సందర్భంలో ఆతడు తనను గురించి శాసన సభ్యులద్వారా ప్రభుత్వంవారికి తెలియజేయగూడదని మంత్రిగారి యోచనా?"

The Hon. Sri C. RAJAGOPALACHARI:—"I am sure, Sir, that the hon. Gentleman, who is asking the question, has not listened sympathetically to what I have said in

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answer to the primary question. If only the hon. Gentleman will go home and consider my answer, I am sure he will be satisfied with the position."

DR. K. B. MENON :—" Sir, the answer of the Hon. the Chief Minister is rather elastic. Does it prevent hon. Members from bringing to the notice of the Government any irregularities that may prevail in different offices? Will that lead to penalization of any of the employees of the Government? "

THE HON. SRI C. RAJAGOPALACHARI :—" No, Sir. That will not lead to penalization and it is not considered wrong. But the penalization is in respect of any particular official trying to get pressure put on Government in his particular interest."

SRI V. SRI KRISHNA :—" శాసన సభ్యులు మంత్రులు కూడా ఉద్యోగస్తుల వోట్లను కూడా సంపాదించి ఎన్నికైన వారే. అటువంటి సందర్భంలో ప్రభుత్వోద్యోగులు తమ ఇబ్బందులను గురించి శాసనసభ్యులకు తెలియజేసుకొనకుండా చేయడం విరుద్ధం కాదా? "

SRI T. VISWANATHAM :—" Sir, what the hon. Member asks is this. In taking the particular position, do the Government realize that the Members of the Legislature including the Ministers are persons who have been returned on the votes of the Government servants also? Are they not entitled to represent the grievances of the Government employees? "

THE HON. SRI C. RAJAGOPALACHARI :—" In democracy it is a question of balance of expediencies as to how far Government servants who are also voters should be entitled to exercise their political position and power in favour of their own personal interests. Everything considered, the present rule is good and I would beg of hon. Members to let it stand. It is, in their own interests, good; it is, in the interests of the Government servants, good; it is, in the interests of the Government as a whole, good."

SRI G. LATCHANNA :—" In a case where an employee is victimised wantonly by his immediate superior officer and by his higher officer also, what is the way in which he can get justice done to him? "

THE HON. SRI C. RAJAGOPALACHARI :—" If victimisation is assumed and can be proved, there are plenty of ways by which he can get justice done to him."

SRI V. V. RAMASAMI :—" Will a Member of the Legislature be in order if he brings cases to the notice of a Minister or a Head of a Department, if he is convinced that a gross injustice has been done to an employee or employees? "

THE HON. SRI C. RAJAGOPALACHARI :—" If there is any irregularity in the administration, it is open to Members of the Legislature to bring it to the notice of the Government

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and to press for correction. But in the interests of a particular Government employee who approaches a Member, Government do not approve of the power and position of Members of the Legislature being utilized by the particular person. The position is perfectly clear."

Sri T. VISWANATHAM :—" Will it be conceded by the Hon. the Chief Minister that, if there is a gross injustice done to any person within the jurisdiction of his Chief Ministership, it will be right for us to draw his attention to it and, if so, where we are convinced and where the facts show that injustice has been done to a Government servant, may I know why we are prevented from drawing the attention of the Government to it and why it is confused with and considered as exerting political pressure? "

The Hon. Sri C. RAJAGOPALACHARI :—" There are Courts, for instances, and a Court is bound to deal justice to parties before it. Would it be right for a Member of the Legislature to go to the Court and use his own judgment and discretion and position to convince the Judge that a particular party's case is right and another's is wrong? The answer is obvious. Now, I submit that every decision in the administrative departments, with reference to particular interests or particular employees, is a matter of judicial discretion, and interference is not right, because, as I said very clearly, it will lead to unequal influences with various persons and it will be unfair to the other employee who gains or loses. These are positions which I want hon. Members to consider. It is not an infraction or detraction of the rights, duties and privileges of Members of the Legislature, but it is only to prevent unfair advantage being taken of relationship or approachability or intimacy."

10-40 a.m. Sri T. VISWANATHAM :—" May I ask the Hon. the Chief Minister whether he is not mistaken in comparing the position of the executive with that of the judiciary? Because, in the case of the executive, there are several matters done behind the scenes without the knowledge of the parties concerned, whereas everything is done openly in the case of Courts. Therefore, will the Hon. the Chief Minister concede that the Members of the Legislature have got a right to draw the attention of the Government to any particular injustice when it comes to their notice, just as they have got a right to draw the attention of the Government to any other difficulty and that this should not be mistaken as exerting 'political pressure'? "

The Hon. Sri C. RAJAGOPALACHARI :—" This is, I submit, a vast field for discussion. I have said enough. My hon. Friend, the Leader of the Opposition, might take into account the fact that if Members of the Legislature are approached, they are approached not publicly, but privately by the Government servant concerned. The points are not exhausted always, and there will certainly be injustice if interference is allowed. There will be confusion besides

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injustice and general loss of confidence in the Government as also in the Legislature. But the point that is particularly raised is that in the one case it is the judicial and in the other case it is not judicial. I submit, Sir, that every decision is a judicial decision and when an officer says that *A* is entitled to promotion and not *B*, it is as much a judicial decision as any other.''

Representations received from the scavengers of Tanjore Municipality.

* 27 *Q.*—Sri S. RAMALINGAM : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether any representations have been received by the Government from the scavengers of Tanjore Municipality who were discharged from service for taking part in the strike of March 1948; and

(*b*) if so, what action the Government have taken or propose to take thereon?

The Hon. Sri A. B. SHETTY :—“ (*a*) & (*b*) A petition addressed to the Chief Secretary was received. A copy of the petition had been sent to the Municipal Commissioner also. So no action was taken as the petition was not addressed to Government through the proper channel and it was expected that the Commissioner would initiate action on any matter requiring Government's intervention.''

Sri S. RAMALINGAM :—“ தஞ்சை நகரத்திலிருந்த நகர சுத்தித் தொழிலாளர்கள் பெருவாரியாக வேலையிலிருந்து நீக்கப்பட்டு மூன்று வருட காலமாக வேலையில்லாமல் கஷ்டப்பட்டுக் கொண்டிருக்கிற விஷயத்தை சர்க்காருக்கும், சர்க்கார் சம்பந்தப்பட்ட மேலதிகாரிகளுக்கும் பல மனுக்கள் மூலம் தெரிவித்திருந்தும் இது வரைக்கும் எந்தவிதமான நடவடிக்கையும் எடுக்கவில்லையென மந்திரி அவர்களே இப்பொழுது சொல்லுவதால் இனி மேலாவது உடனடியாக தக்க நடவடிக்கை எடுப்பதற்கு சர்க்கார் யோசிக்குமா என்று நான் கேட்கிறேன் ? ”

The Hon. Sri A. B. SHETTY :—“ I am not able to understand the question, Sir.''

Supersession of the Yellamanchili Panchayat Board.

* 28 *Q.*—Sri P. BAPU NAIDU : Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether it is a fact that the Yellamanchili Panchayat Board in Visakhapatnam district has been superseded;

(*b*) if so, why;

(*c*) whether the Government have received any representation stating that the supersession was unjust; and

(*d*) if so, the action taken thereon?